IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.572 OF 2005

M/s.Harlem Polycontainers Pvt.Ltd. ....Petitioner
V/s.
M/s.Mafatlal Dyes & Chemicals Ltd. ....Respondent

Ms.Chanda Sonpal i/b M/s.Thakore Jariwala & Associates for the Petitioner.
None for the Respondent.

CORAM : S.J. VAZIFDAR, J.
DATED : 20TH JANUARY, 2006.

P.C. :

1. According to the Petitioner, the Company is indebted to it in the sum of about Rs.2,80,000/- in respect of the goods sold and delivered by the Petitioner to the Company.

2. The goods were sold and delivered on the terms and conditions in the invoices (Exhibits "B-1", "B-2" and "B-3"). The Company has received and appropriated the goods as is evidenced from the delivery challans (Exhibits "C-1, "C-2" and "C-3").

3. There is no reply to the Petitioner’s advocate statutory notice dated 19.3.2005 addressed on behalf of the Petitioner (Exhibit "E-1").

4. There is no affidavit in reply. It is thus clear that the Company is indebted to the Petitioner to the extent of the said sum. To leave no room for doubt or grievance for the Company, I intend granting an opportunity to the Company to pay the dues to the Petitioner. In the circumstances, the following order is passed :-

i). The Petitioner shall serve a copy of this order at the registered office of the Company.

ii). In the event of the Company paying an amount of Rs.2,80,000/- with interest at 12% p.a. from the dates of the invoices till payment within six weeks from the date of receipt of this order, the Petition shall stand dismissed without further orders.

iii). However, in the event of the amount not being paid as aforesaid, the Petition shall stand admitted and to be advertised in Free Press Journal, Navshakti and Maharashtra Government Gazette.

iii). The Petitioner to deposit an amount of Rs.2000/- with the Prothonotary and Senior

Master of this Court within four weeks from the date of default.